



**Fox Rothschild** LLP  
ATTORNEYS AT LAW

Eagleview Corporate Center  
747 Constitution Drive, Suite 100  
P.O. Box 673  
Exton, PA 19341-0673  
Tel 610.458.7500 Fax 610.458.7337  
www.foxrothschild.com

JOHN J. MIRAVICH  
Direct Dial: 610-458-3128  
Email Address: JMiravich@Foxrothschild.com

November 26, 2014

**VIA ELECTRONIC MAIL**

Margaret L. Hutchinson  
Assistant United States Attorney  
U.S. Attorney's Office  
615 Chestnut Street, Suite 1250  
Philadelphia, PA 19106-4476

**Re: Progress of Completion of Consent Decree Projects by the City of Reading ("City")**

Dear Peg:

We are writing to provide you with a brief update as to the City's completion of the projects required under the Consent Decree with respect to civil action No. 04-05696, as modified on February 26, 2014 (the "Modification"). The City continues to make significant progress in designing and constructing the upgrades to the wastewater treatment plant and collection system as required by the Modification.

For your ease of reference, we have organized the following summaries in accordance with the paragraphs from the Modification, a copy of which is enclosed with this letter:

**Paragraph 1: Treatment Plant Alternatives Submission:**

As a result of the findings during the detailed design of the wastewater treatment plant improvements, the City's design professional, RK&K Engineering ("RK&K"), determined that the cost of construction would be substantially more than originally estimated. As a result, the City requested RK&K to evaluate potential alternatives to contain the cost of construction.

RK&K identified several cost savings measures, which included, for example, renovating and consolidating certain structures on Fritz Island. The City consulted with the Pennsylvania Department of Environmental Protection ("PaDEP") and United States Environmental Protection

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Agency regarding the proposed changes to the design. It is our understanding that PaDEP views the proposed changes to the design represented only a minor deviation from the original design. The proposed changes will not impact any deadlines agreed to by the City in the Modification.

**Paragraph 2: Capital Improvements Plan:**

No open items remain under Paragraph 2 of the Modification.

**Paragraph 3: Contract Awards:**

No open items remain under Paragraph 3 of the Modification.

**Paragraph 4: Permit Application:**

The City completed the obligations under Paragraph 4 of the Modification when it submitted the PaDEP WQM Part II permit application.

**Paragraph 5: Permitting:**

The City has no obligations under Paragraph 5 of the Modification. Consistent with Paragraph 5 of the Modification, we understand that PaDEP and other regulatory agencies will use their best efforts to provide a timely review of the City's permit application and issue the permit within 90 days after the permit application has been deemed administratively and technically complete.

**Paragraph 6: Construction Completion of the Wastewater Treatment Plant:**

RK&K has made substantial progress with the design of the wastewater treatment plant upgrades. The City anticipates awarding construction contracts for the liquids process in the first quarter of 2015 and the solids process in the second quarter of 2015. RK&K's construction schedule provides for the entire project to achieve substantial completion and be available for full use by the City by the February 28, 2018 deadline.

**Paragraph 6(a): Secondary Digester Rehabilitation:**

The City completed the cleaning of its secondary digesters and recently awarded construction contracts for the rehabilitation work for digester number 4. The rehabilitation of secondary digester number 4 is scheduled to be available for full use by the City by the July 31, 2015 deadline.



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**Paragraph 7: GIS Mapping of the Sanitary Sewer Collection System:**

No open items remain under Paragraph 7 of the Modification. The City continues to perform quality assurance and quality control checks on the data for the system's continued effective operation.

**Paragraph 8: GIS Mapping of the Storm Water Collection System:**

No open items remain under Paragraph 8 of the Modification. The City continues to perform quality assurance and quality control checks on the data for the system's continued effective operation.

**Paragraph 9: Sanitary Sewer Evaluation Program:**

The City has developed a functional hydraulic model, performed the I/I evaluation, and completed the closed circuit videography of priority areas of the collection system. The City is also using its consultant to take additional video of the City's smaller diameter pipes. The City is working closely with its consultants to interpret results and perform quality assurance and quality control on the data. The City is on schedule to incorporate all of the data necessary to complete the sanitary sewer evaluation survey ("SSES") by the December 31, 2014 deadline.

**Paragraph 10: Rehabilitation Plan:**

The City is using the data gathered for the SSES to identify specific priority areas of the sanitary sewer that will require rehabilitation. The City is working closely with its consultants to develop a tiered priority system in the Rehabilitation Plan to help the City allocate resources for an effective implementation. The City is on schedule to complete the Rehabilitation Plan by the February 28, 2015 deadline.

**Paragraph 11: Rehabilitation of Priority Areas of Collection System:**

**42" Force Main Replacement:** The City has completed the installation of the new 42" force main from the 6<sup>th</sup> and Canal Pump Station to Fritz Island.

**6<sup>th</sup> and Canal Pumping Station Improvements:** The preliminary design documents for the first phase of construction at the 6<sup>th</sup> and Canal Pump Station have been completed. The City anticipates that construction of the first phase will be completed in the second quarter of 2016. The City has solicited proposals to engage an engineering firm to design the improvements for the second phase of construction at the 6<sup>th</sup> and Canal Pump Station. The City is on schedule to



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complete the rehabilitation of the 6<sup>th</sup> and Canal Pump Station to Fritz Island by the January 31, 2018 deadline.

19<sup>th</sup> Ward Pump Station Improvements: The City anticipates soliciting proposals from engineering firms for the design of this project in the first quarter of 2015 order for the construction of the upgrades to 19<sup>th</sup> Ward Pump Stations to be completed by the January 31, 2018 deadline.

**Paragraph 12: Requirement for Dedicated Sewer Fund**

The City continues to maintain the dedicated Sewer Enterprise Fund and limit transfers to the general fund to three million dollars each calendar year in accordance with the Modification.

The City has also established Fund 55 as a separate account from the Sewer Enterprise Fund dedicated to escrow sewer payments from City residents to satisfy the City's financial obligation for wastewater treatment plant expenses. The purpose of Fund 55 is to cease commingling the excess contributions to the Sewer Enterprise Fund from City residents so the City can establish rate stabilization and avoid rate spikes as the City moves forward with its capital improvements to the wastewater treatment plant and collection system.

As always, please feel free to contact me at any time should you have any questions or concerns regarding the City's ongoing efforts to upgrade its waste water treatment plan and collection system.

Sincerely,



John J. Miravich

Enclosure

cc: Gary Hepford, Esq., PaDEP  
Christopher Day, Esq., USEPA  
Fred Lachet, Esq., City of Reading